DOCUMENT RESUME

ED 242 004 EA 016 413

AUTHOR Wolfberg, Calvin J.
TITLE The Biggest Mistakes Boards Make in Collective Bargaining.
PUB DATE [Mar 83]
NOTE 6p.; Paper presented at the National School Boards Association Convention (San Francisco, CA, April 23-26, 1983).
PUB TYPE Speeches/Conference Papers (150) -- Guides - Non-Classroom Use (055)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Administrator Guides; *Board of Education Role; *Boards of Education; *Collective Bargaining; Elementary Secondary Education; Guidelines; Teacher Strikes; Unions
IDENTIFIERS *Negotiation Processes; *Negotiators; PF Project

ABSTRACT

One of the biggest errors that boards of education make in collective bargaining concerns the selection of their bargaining team. A negotiator should be used who knows labor law, understands the educational process and its common practices, and is knowledgeable about school law. In addition to the negotiator, who should be the spokesman, the negotiating team should have a member of the board as policy consultant and one or two administrative consultants to respond to contract items pertaining to elementary and secondary issues. Frequent mistakes that are made by boards in collective bargaining include: (1) making a best offer prematurely; (2) dealing with negotiations issues as separate items rather than as a complete package; (3) not knowing in advance the exact cost of any item in the proposal; (4) not being prepared for alternative responses; (5) meeting too often; (6) focusing on union demands; (7) relying on union documents; and (8) thinking they can negotiate better than their designated negotiators. It is a mistake to assume that the district or school directors have failed because a strike has occurred. Collective bargaining is an adversarial relationship and not a forum where educational improvement can be achieved. (DC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED242004

1983 NSBA Convention/San Francisco April 23-26
Speaker Wolfberg Clinic No. F-103

Clinic F-103: THE BIGGEST MISTAKES BOARDS MAKE IN COLLECTIVE BARGAINING

Text Remarks by Dr. Calvin J. Wolfberg

EA016413

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.
✓ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Calvin J. Wolfberg

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

1983 NSBA Convention/San Francisco April 23-26
Speaker Wolfberg Clinic No. F-103

PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

412 NORTH SECOND STREET/HARRISBURG, PENNSYLVANIA 17101/(717) 233-1642

Clinic F-103: THE BIGGEST MISTAKES BOARDS MAKE IN COLLECTIVE BARGAINING

Text Remarks by Dr. Calvin J. Wolfberg

When one speaks of "big" mistakes in collective bargaining, I suppose the biggest of all is having to bargain in Pennsylvania. The second biggest is probably showing up.

We bargain under an atrocious labor law known as P.L. 195 which allows public employees the right to strike and gives public employers very little recourse to terminate this action. The law is also in conflict with the Pennsylvania School Code which mandates 180 days of education and, in effect, allows teachers to strike with impunity -- in most cases knowing they will suffer no financial penalty for a work stoppage. It is at best an impossible situation and, at its worst, a situation which tears communities apart and leaves an educational system wounded and staggering.

Everywhere I or my colleagues go and we are in the company of other school directors, we are greeted by recognition of a dubious kind as the "state with all the school strikes". We're not proud of it. We have done most everything possible to change the law but as a matter of note, in the ten years of its existence it has withstood every attempt at modification.

Negotiations in school districts throughout Pennsylvania are becoming more sophisticated as more experience is gained by both sides. However, school districts may not have achieved an equal degree of competency as the unions, since district teams have generally experienced a higher degree of turnover and usually do not have a personal function identified as a resource. They don't spend as much time in preparation for negotiations and they are prone not to take advantage of experiences resources in public bargaining. School boards and their negotiating teams all have to become more astute in recognizing the hidden agendas of the unions and to avoid the repetitive errors of management which usually cause failure in the collective bargaining process.

Unions count heavily on mistakes being made and they often apply appropriate strategies to facilitate actions by unsuspecting and uninformed board members and administrators.

I suppose one of the biggest errors in bargaining takes place before it even begins. The one action the board can take unilaterally. The one item over which it has total control is the selection of its bargaining team.

A board might determine that their district will be well served by hiring an expert with private labor experience. In some special cases such a person may be the best possible available choice. However, the problem arises if this

DR. CALVIN WOLFBERG, Vice President
85 Queen Street, Northumberland, PA 17857
Phone: (717) 473-3721 (office)

412 NORTH SECOND STREET/HARRISBURG, PENNSYLVANIA 17101/(717) 233-1642

labor expert fails to understand the educational issues and school laws, as well as the relationship the district has with the state in matters of subsidy or transportation or regulations of the State Board or the Department of Education. Many boards or individual board members believe they can be negotiators because of some industrial experience or because they have the time or they are upset by the adversarial relationships established at previous contract settlements - hero negotiator so to speak. This is a serious mistake! To be a negotiator you must know labor law, understand the educational process and its common practices, and be knowledgeable about school law. Any board member who wades into this process may survive for a while but he will ultimately be done in by a lack of experience. Board members should not be expected to be experts in collective bargaining any more than they would be expected to be experts in teaching chemistry or directing the band.

Wherever possible, develop local school district personnel - a School Personnel Director, that will provide continuing local expertise, keep pressure off of directors and allow contract implementation and follow up year after year.

An excellent and highly workable system uses a negotiator as the team spokesman, a member of the board as policy consultant, and one or two administrative consultants that can respond to contract items pertaining to elementary and secondary issues. Most all of the items can be responded to by a team made up of this design - or you may wish to add or substitute a business manager or another officer as your specific needs dictate. In any case the team should be designed to give a solid base of accurate information to the negotiator and be able to act and re-act as a team to the little surprises that crop up meeting after meeting. Remember, the collective bargaining process in most cases is not a relationship between the board and teachers but between the boards representative and the union leadership. The notion that boards sit down with teachers is usually misleading and actually the rank and file of teachers had much more of a relationship with boards prior to Act 195.

Frequent Mistakes in Collective Bargaining

1. PREMATURE BEST OFFER

   This probably is the most common mistake made by inexperienced negotiators. Both sides must be satisfied that the process has been completed. Don't try to short circuit the process by making a "best" offer too quickly. A skilled union negotiator will use this mistake to get greater concessions. Being prepared and in control helps to determine proper timing.

2. "PIECEMEAL" NEGOTIATIONS

   Negotiations issues should not be dealt with as separate items existing in a

DR. CALVIN WOLFBERG, Vice President
85 Queen Street, Northumberland, PA 17857
Phone: (717) 473-3721 (office)

412 NORTH SECOND STREET/HARRISBURG, PENNSYLVANIA 17101/(717) 233-1642

vacuum or in isolation. Everything should be considered as being relative with emphasis on the effect on the educational program. Issues should be packaged, concession should only be made in light of trades or total effect.

3. INADEQUATE COST ANALYSIS

The school district team must know in advance the exact cost of any item before proposal and certainly before agreement is indicated. Preparation is essential in successful negotiations.

4. UNPREPARED FOR ALTERNATIVES

Much of negotiations constitutes a search for acceptable alternatives. Be prepared for alternative responses. Do not get painted into corners. Be creative.

5. NEED TO MEET OR MEETING TOO OFTEN

The mistake is meeting too often. Progress in negotiations is not a function of time spent at the bargaining table. Timing and frequency of meetings is an important part of the negotiating process and should be used to advantage. Be firm.

6. FOCUS ON UNION DEMANDS.

Just because the union has presented a 50 page proposal, is no reason to use that voluminous document as the center of negotiations discussion. Focus on the identifiable issues and the districts package of concerns.

7. USE OF UNION DOCUMENTS

Don't always rely on union document, prepare and use your own. This is especially useful in finalizing the agreement. A good negotiator is a "word mechanic" creatively writing acceptable language to reach agreements. This requires research and preparedness.

8. RUN AROUND OWN NEGOTIATORS

Every district has someone who thinks they can negotiate better than the designated negotiators. This "hero" negotiator seldom, if every , is successful. This tactic usually delays negotiations and costs the district dearly in added concessions.

It is a mistake to assume that the school district or school directors have failed because a strike has occurred. Some like to pat themselves on the back

DR. CALVIN WOLFBERG, Vice President
85 Queen Street, Northumberland, PA 17857
Phone: (717) 473-3721 (office)

PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

412 NORTH SECOND STREET/HARRISBURG, PENNSYLVANIA 17101/(717) 233-1642

by claiming they haven't had a strike. Over the years, there have been many red faces.

Don't expect the negotiating process or the resulting contract will produce a better educational climate. The fact is that the collective bargaining process is an adversarial relationship and not a forum where educational improvement can be achieved. It wasn't designed to do this. Keep the process as simple as possible recognizing the employee groups rights to bargain over hours, wages, terms and conditions of employment and nothing else.

DR. CALVIN WOLFBERG, Vice President
85 Queen Street, Northumberland, PA 17857
Phone: (717) 473-3721 (office)